

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

ALEXIS DEGIDIO, individually and on behalf  
of all others similarly situated,

Plaintiff,

V.

CRAZY HORSE SALOON AND  
RESTAURANT, INC., d/b/a THEE NEW  
DOLLHOUSE,

Defendant.

Case No. 4:13-cv-02136-BHH

## JURY TRIAL DEMANDED

## DECLARATION OF JACK DAVENPORT

I, Jack Davenport, make the following Declaration under oath and on the basis of my own personal knowledge. I am sixty-three (63) years of age. I suffer from no legal disabilities and am competent to make this Declaration.

1. I am employed by the Crazy Horse Saloon and Restaurant, Inc. d/b/a Thee Dollhouse located at 3102 Highway 17 South, North Myrtle Beach, South Carolina ("the Club"). I am currently the General Manager and in charge of overseeing the daily operations of the Club. I am at the Club Tuesday through Saturday. Manager John Trowbridge serves as the Manager in charge on Sundays and Mondays and when I am not able to be there. I have been the General Manager since about August 2014. I report to Brent Clark.

2. I began my employment at the Club on or about July 3, 2012, as a Floor Host, and Opening Manager. I reported to the General Manager, Joe Hargadon until he was no

longer there. The General Manager reports to Brent Clark and/or the owners.

3. This is an upscale gentlemen's club. By that, the Club makes every effort to present a first class experience from the moment a customer, who we refer to as "guests", arrives. We have a valet service that will offer to park their car. Upon entering the Club, the building and décor are meant to impress and make the guest feel like they are walking into a first class establishment. Guests are welcomed to the Club by a beautiful female hostess who is elegantly dressed. Guests are escorted to their seats by Floor Hosts who are finely dressed in suit and tie. The cocktail waitresses are appealing and wear identical white outfits. It is the job of every employee in the Club to offer maximum hospitality to the guests. The furniture is designed to be upscale and comfortable. The Club offers the top champagnes, wines and liquors and features special semi-private areas for full bottle service. There are 4 elevated lighted stages where Entertainers perform exotic adult dancing which includes topless dancing. The Club also features semi-private areas for Entertainers to perform for guests and a jacuzzi area. There is a D.J. who entertains with comedy and music. There are four luxurious bars where guests may sit if they choose. Many sports fan come and watch our 25 HDTV screens which feature all varieties of sports.

4. The Club is subject to local laws. It is my understanding that Entertainers are prohibited by law from performing nude. While Entertainers may appear topless while on stage or performing for guests, they are expected to keep their lower private areas covered.

5. The General Manager is responsible for hiring, firing, scheduling and overseeing employees which include, waitresses or servers, kitchen personnel, bartenders,

bar-backs, Floor Hosts, Hostesses. The DJ's are usually hired by Brent Clark. This is the way it has been for me as General Manager, as well as for Joe Hargadon when he was General Manager.

6. Unlike the employees described above, the Entertainers are not treated as employees. They are not subject to a schedule and perform at the Club whenever they choose. I have been a manager in the gentleman's club industry for more than 20 years, and I've been in the industry for longer than that. It is customary in this industry for Entertainers to work as independent contractors rather than employees. Under this arrangement Entertainers can have lucrative careers earning between \$1,500.00 to \$5,000.00 per week only working 2 to 3 nights per week. Their earning capacity wholly depends upon their individual appearance, skills and talents to entertain our guests.

7. In order to be an Entertainer at the Club, the Entertainer must pass an audition before the General Manager or the manager in charge. This is a highly selective process. Entertainers that are determined to possess the qualities of physical beauty and appeal, and to some degree, an appealing personality are permitted to perform at the Club. The Club does not provide any training for being an Entertainer. Entertainers are not told how to perform or the way to dance. How they dance or perform is completely left up to them.

8. Entertainers are required to pay a House Fee each night they appear at the Club. If the entertainer arrives before 7:00 p.m., there is no House Fee. If they arrive between 7:00 p.m. and 8:00 p.m., the House Fee is \$20.00. At 9:00 p.m., the House Fee is \$40.00; at 10:00 p.m., the House Fee is \$60.00; after 11:00 p.m., it is \$80; and, after midnight it

is \$100.00. After midnight it is Manager's discretion whether to let more Entertainers in and if so how much to charge for House Fee.

9. Entertainers earn money by charging a fee for dances in semi-private areas of the Club. There are VIP rooms which are available in increments of time starting with 15 minutes. The Club charges a fee for use of the VIP room as follows: \$25.00 for 15 minutes; \$50.00 for 30 minutes; \$100.00 for 60 minutes. Use of the Club's Jacuzzi for 30 minutes is \$200.00. Entertainers may charge whatever price they negotiate with the guests. The Club does provide the Entertainers minimum price guidelines for the spaces, but it is left to each individual Entertainer to establish their fee. The use fee for the space paid to the Club by the guests stays the same. Entertainers typically charge the suggested rate or higher. It is up to the Entertainer what she charges for her performance. It is also completely up to each Entertainer whether to use the VIP rooms, and there is no limit on their use. A copy of the suggested minimum prices is attached as Exhibit A.

10. In addition to the VIP rooms and Jacuzzi, Entertainers may also use is the couch area on a per song basis. The Club charges a flat rate of \$10 per song for use of the couch space. Typically Entertainers charge \$30.00 for each song with \$10.00 going to the Club and the Entertainers keeps \$20.00. Occasionally Entertainers charge more. It is Entertainer's own choice whether to do a couch dance. Entertainers are never directed by the Club to perform for guests. An Entertainer may choose to do as many couch dancers as she wishes. There is no limit set by the Club.

11. In addition to the fees Entertainers charge for performing in the VIP rooms, Jacuzzi and couch areas. Entertainers also receive tips from guests. Entertainers are not

required to report to me or anyone else at the Club the performer's fees they charged or the tips they received.

12. It is customary in the gentlemen's club industry for Entertainers to tip the employees at the Club that helped them in some way during the course of the evening. The Club suggest, but does not require Entertainers tip anyone. As the word, "tip" is defined it is a voluntary gratuity. As a guide to Entertainers the Club suggests \$10.00 to the House Mom, \$10.00 to the D.J., and \$2.00 to the Floor Hosts.

13. Employees are prohibited from harassing an Entertainer for a tip. Floor Hosts are instructed not to even ask Entertainers for a tip. If management learns that any one is harassing an Entertainer for a tip it is grounds for termination. Last year a Floor Host was terminated for that reason.

14. Entertainers determine for themselves when and if they choose to work. There is no schedule for Entertainers. They can come in and leave whenever they choose. Entertainers are not required to schedule their work times, nor are they required to work a minimum number of nights. Entertainers are free to work regularly or sporadically. They can take off from work as many days, weeks or months and still work when they choose. Entertainers are not required to attend staff meetings.

15. Once in the Club Entertainers are free to mingle with guests at the Club. Entertainers can choose for themselves which guests, if any, they want to spend time, talk or perform dances. It is completely each Entertainers own choice.

16. Entertainers are "show girls" and asked to wear clothes generally consistent with that appearance. There is no specific dress code. Entertainers are to wear evening

gowns when they are in the Club and not on stage. The purpose is to elevate the Entertainers above everyone else. Each Entertainer can select their own dresses in terms of style, color and material as well as their own look. They are expected to look beautiful and classy. How they attain that look is up to them.

17. Entertainers are free to perform at other venues and there are no restrictions put on them working at other night clubs.

18. Entertainers are given the opportunity to earn tips by performing on its stages in rotation with other Entertainers. There is a rotation to give all the Entertainers a fair opportunity to be seen and promoted by the D.J.

19. It is my understanding that prior to Thee Dollhouse coming to the Crazy Horse there was a practice of D.J.'s expecting a tip of 10% of an Entertainers earnings. This was stopped after the Thee Dollhouse took over. It was reiterated that our policy was that tips are discretionary and that the suggested tip to D.J.'s was \$10.00, not 10% of earnings. It was also discovered that the DJ's were sometimes getting money from Entertainers to skip them during the rotation. This was also stopped.

20. At the Dollhouse I have never known Entertainers to have been subjected to fines or disciplinary actions. I have never done so.

21. There are no rules at the Club limiting an Entertainer from drinking alcohol, or having dinner, using their telephone or taking breaks. Entertainers are free to do any and all of those things in the Club. Employees on the other hand are subject to rules limiting those activities.

22. House Moms help the Entertainers get ready, and collect the House Fees and

turn the money into the Manager who is closing that evening. House Moms do not hire or fire and have no managerial responsibility.

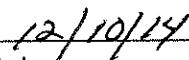
23. I am familiar with Alexis Degidio and knew her to be an Entertainer at the Club. She had been for several years an Entertainer at the Thee Dollhouse located about 4 miles from its current location at the Crazy Horse location. She went by the stage name, Bella. By the time she came to the Crazy Horse she no longer had the appearance or personality consistent with the high standards expected for Entertainers. I knew she was a cocaine user as was her friend, an Entertainer by the name of Jacinda Gardner. However, Degidio was close friends with the wife of General Manager, Joe Hargadon and it was for that reason that she was permitted to be an Entertainer there. If I had been the General Manager I would have not permitted her to be an Entertainer at our Club.

24. The relationship between the Club and the Entertainers and the business practices I have described in this Declaration were applicable generally to all Entertainers, including Alexis Degidio, excepts as previously noted that I would not have permitted Degidio to perform in the Club if I had been General Manager.

#### **FURTHER DECLARANT SAITH NAUGHT**

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, in witness whereof I have signed below on the date indicated, at North Myrtle Beach, South Carolina.

  
\_\_\_\_\_  
Jack Davenport

  
\_\_\_\_\_  
Date



# VIP Rooms

15 min \$150 w/ \$25  
To club

30 min \$300 w/ \$50  
To club

60 min \$600 w/ \$100  
To club

Jacuzzi - \$600 w/ \$200  
for 30 min. To club

\* minimum price guidelines, you  
may negotiate your own VIP prices